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August 18th 2022

Sugar Land Police Department
City of Sugar Land,
Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487

IN RE: BRYCE SPENCER # 455692/ Imperial Lofts LLC

Dear Sirs/Madams:

1. This letter form which annexes your complaint form as exhibit "A" and is attached hereto and duly incorporated herein by reference, is done and requested under the ADA, *42 U.S.C. §§ 12101 et seq.*, as the undersigned cannot fill out the complaint in handwriting. Thus, the complaint is typed, and sworn to under Chapter 132 of the Texas Civil Practice and Remedies Code which is included under *Texas Penal Code, 37.02 (a) (2). (Perjury)*.

I. THE INCIDENT AND IT'S GENESIS

2. I take no joy and no pleasure in having to initiate a complaint against any law-enforcement officer—period! However, Officer Spencer's "innocence" or naivete, became non-existent, and the *mens rea* of his

guilt became quite obvious on August 3rd 2022, when, after he was served with, and signed for, a subpoena duces tecum, he failed to appear in court at the direction of his co-conspirator, Madam Marianna Sullivan, the manager of Imperial Lofts apartments, located at # 2 Stadium Drive, Sugar Land, Texas, 77498.¹ The executed subpoena bearing Spencer's signature is attached hereto as exhibit "B" and is incorporated herein for all purposes.

3. By agreeing to evade his legal obligations at the behest of Madam Sullivan, Spencer willingly and knowingly violated *Tex. Penal Code 36.05*, the tampering with a witness statute, which is a felony offense, and in agreeing with Sullivan, he is as culpable as her under *Tex. Penal Code 7.02*, because they both agreed to carry out the commission of the same offense. The Court bailiff called Spencer's name three times in the hallway of the courthouse, and reported back that he was not present. Madam Sullivan's lawyer (and Spencer's as well) then stood up and announced that he had directed a **commissioned peace officer** to engage in a felony, and to consummate the offense by failing to appear. Spencer's actions require no further explanation; they speak for themselves, and while no civilian citizen should engage in this criminal behavior, how does it reflect on the city of Sugar Land, when it's police officers engage in this criminal behavior?

II. MANUFACTURING AN OFFENSE TO JAIL A CITIZEN

4. On January 5th 2022, Spencer, after first consulting with Madam

¹

Madam. Sullivan's counsel stood up in open court on August 3rd, 2022, and told the court, that he, acting at the behest of his client, told Officer Spencer not to appear in court when legally summoned to do so, and Officer Spencer did as he was asked and failed to appear. See: Green v. Midland Mortg. Co., 342 S.W.3d 686 (Tex. App.[14th Dist.] 2011, no pet.) (**A lawyer's statements while representing a client, are the client's statements,— not the lawyers**)

Sullivan, and her other lawyer, Daniel Edmunds, manufactured an offense report by making it appear that he was “dispatched” to of all places, # 2 Stadium Drive, Sugar Land, Texas, where he acts as Madam Sullivan’s strong arm enforcer clothed with the authority of the Sugar Land Police Department. On that date, Spencer “spun” an offense from whole cloth asserting that the undersigned committed the offense of “online harassment” in violation of *Texas Penal Code 42.07.* ²

5. This alleged “harassment” came in the form of an e-mail that was addressed to counsel for one Richard P. Jones, not Madam Sullivan. (**You would think that Spencer could read the statute.**) This email, the one that formed the basis for the charge, is part of a mandatory process that the Texas Supreme Court calls “disclosures” that must be tendered to all sides in a lawsuit, and that duty, is a continuing duty, and it is mandatory, that it be e-served on all parties. Failure to disclose will bar the offending party from being able to use it at trial.

6. Spencer’s offense report shows that he had the undersigned’s name, address, and working telephone number. All he had to do, as he was trained to do, was to contact the undersigned and request a statement, something the undersigned would have been only happy to give and to cooperate with his “investigation”! However, there was no “investigation” rather, what he was doing , was manufacturing an offense to please Madam Sullivan, and to help her gain an advantage in ongoing litigations. His report is replete with false information, information that he knew was false when he made the entries with the intent that the District Attorney’s office rely on the information. His actions violated *Texas Penal Code 37.10*, and because his intent was clearly to deprive a citizen of his freedom, and his right to petition, that conduct was elevated to a second degree felony when Spencer delivered the offense report to intake.

²

Spencer coded the purported offense incorrectly for *NIBRS* purposes as a 13-C.

His (Spencer's) conduct also constituted a violation of *Texas Penal Code 39.03*, as well as *Texas Penal Code 15.02*. The narrative in the report is even more disturbing because Spencer [who] thinks that he is fooling the district attorney's office, (and he almost did), claims that he was "merely" "dispatched" to investigate a crime, when he fact, he and Madam Sullivan set up the scripted dispatching and investigation.

7 **The department should SHUDDER at the thought of a Police Officer lying to, and misleading the district attorney that could have resulted in severe harm to an otherwise law-abiding citizen.**

Moreover, if history has taught us one things about corrupt "cops" it is this— by the time a "cop" like Spencer is finally caught, it will turn out that his behavior here is not an isolated incident, but rather, [that] he has done this before. That fact, standing alone, is cause for grave concern to an honest and ethical DA, because every time Spencer takes the witness stand, (**when he chooses to appear and Madam Sullivan allows him to appear of course**), the jury, not knowing any better, will tend to convict a citizen on the word of this wholly "bent" police officer making his testimony in any arrest or investigation unreliable as a matter of law. This is what the Sugar Land Police Department now has on it's hands, and if the truly guilty walk when defense counsel uses Spencer's handiwork to cross examine him, then the department has put criminals back on the street by their actions or inactions, not the office of the district attorney.

8. Spencer has also crossed the line under the federal statutes, specifically, *18 U.S.C. § 666(a)(1)(B)*, by aiding, abetting, and protecting from detection, those who are committing crimes against the United States— by stealing from the United States— as well as using his badge to protect the criminal actors from detection under a host of well documented state criminal statutes, and he does so in return for good and valuable considerations from Madam Sullivan.

II. ATTACKS ON THE RETIRED AND PRESENT DISTRICT ATTORNEYS

9. Spencer's criminal and unethical actions have also caused Madam Sullivan to have segue to attack the retired district attorney, the Honorable John Francis Healey Jr., and the sitting district attorney, The Honorable Brian M. Middleton.

10. When the DA's office (intake) suspected that something was amiss and immediately did not initiate a criminal complaint and issue a warrant for the undersigned's arrest, Spencer, doubled down and shared the ongoing investigation, (stage by stage) and it's progress with Madam Sullivan.

11. Madam Sullivan, never one to let the truth get in the way of her next act, than began calling the DA's office accusing John Healey and Brian Middleton of being engaged in a conspiracy—the same type of conspiracy that Spencer was engaged in; namely, to prevent the detections and prosecution of criminal offenses. Madam Sullivan also contacted a former State District Judge to repeat her corruption claims, and also other elected public officials to accuse two men of irrefutable integrity, (Healey & Middleton) of being corrupt and of engaging in criminal behavior themselves. Again, the Sugar Land P.D. owns this disgrace, and wholly owns the attack on these two men who did nothing illegal, immoral or unethical.

III. BRADY V. MARYLAND/THE MICHAEL MORTON ACT

12. The undersigned has worked shoulder to shoulder with, and sometimes against, the lawyer responsible for the Michael Morton Act, John Raley Esq. We also worked to get another innocent prisoner out of prison in Nueces county, Texas; so crooked cops, lying witnesses, and

Spencer # 455692
Complaint, Page 6

unethical DA's are a personal affront to me. The culture of presumed innocent and fair play to all citizens that the Fort Bend County District Attorney's office enjoys began in 1992, with the appointment of John Francis Healey Jr., as our District Attorney. It has been passed on, and wonderfully upheld, by Brian M. Middleton and his staff. So then, is it any wonder that men of honor should suffer attack at the hands of the true criminals, Madam Marianna Sullivan, and Officer Bryce Spencer?

13. Thanks to Officer Spencer, and pursuant to *Brady*, and *Morton*, the district attorney must now deliver up to all defense counsel a narrative, and all attachments such as this one, so that Officer Spencer can be impeached every time he testifies under oath or makes an arrest. In addition, the district attorney may well have to go back and review every case that resulted in a plea or a conviction where Spencer was involved in matter how remote because they now know that he has a history of lying, manufacturing evidence, and using his badge to oppress.

14. The City of Sugar Land, and the Sugar Land Police Department OWNS THIS, and I hope that the cover up stops here.

IV. DECLARATION UNDER PENALTY OF PERJURY

15. Pursuant to Chapter 132 of the Texas Civil Practice & Remedies Code, and Texas Penal Code 37.02, I, Michael Joseph Bitgood, a/k/a/ "Michael Easton" do affirm that the foregoing 14 paragraphs referenced above are true and correct.

Executed under the penalty of perjury this 18th day of August 2022, at Richmond, Fort Bend County, Texas.

/s/ Michael Joseph Bitgood
a/k/a/ "Michael Easton"

EXHIBIT A**CITY OF SUGAR LAND
POLICE DEPARTMENT****CITIZEN'S COMPLAINT FORM**

To file a complaint, please complete all the items on this form describing briefly the incident that involved you and an officer of the Sugar Land Police Department. This form must be notarized; notary service is available at the office of Professional Standards. An investigator in the office of the Professional Standards will review the completed form and speak with you. You may also mail the form to:



**Office of Professional Standards
Sugar Land Police Department
P. O. Box 110
Sugar land, TX 77487**

Your Name: _____ Today's Date: _____

RACE

Address: _____

<input type="checkbox"/> American Indian	<input type="checkbox"/> Hispanic
<input type="checkbox"/> Asian/Filipino	<input type="checkbox"/> Anglo
<input type="checkbox"/> African-American	<input type="checkbox"/> Other

City: _____ State: _____ Zip: _____

Home Phone: _____ Work Phone: _____

DOB: _____ Sex: Male Female

Provide as much information as you can about the incident.

Date of Incident: _____ Time (A.M. or P.M.) _____ Place: _____

Name of Officer(s) involved: _____ Badge Number of Officer: _____

Badge Number of Officer: _____

Officer's Race, Ethnicity: _____

(1) Name of Witness: _____

Address: _____

Home Phone Number: _____ Work/Other Phone Number: _____

(2) Name of Witness: _____

Address: _____

Home Phone Number: _____ Work/Other Phone Number: _____

Use the space provided on the other side of this form to describe what occurred.

EXHIBIT A

Side 2



**CITY OF SUGAR LAND
POLICE DEPARTMENT**

AFFIDAVIT

Before Me the Undersigned authority personally appeared _____

Describe the incident and nature of complaint:

Submit additional pages as needed. Thank You!

"I have been informed that under the Penal Code of the State of Texas, Section 37.02:
A person commits the offense of perjury if, with intent to deceive and with knowledge of the statement's meaning; he makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made under oath.

Affiant

Subscribed and Sworn to before me, by the said _____ this
____ day of _____, 200 ____.

Notary Public in and for
Fort Bend County, Texas

EXHIBIT B

THE STATE OF TEXAS
WITNESS SUBPOENA DUCES TECUM
PURSUANT TO TEXAS RULES OF CIVIL PROCEDURE RULE 176, et seq.

NO. 22-CCV-070615

IMPERIAL LOFTS § IN THE COUNTY COURT
VS. § § AT LAW NO. FOUR (4) OF
MICHAEL J. BITGOOD § § FORT BEND COUNTY, TEXAS

To: Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in Texas Rule of Civil Procedure 176.5.

You are commanded to summon Bryce Spencer, in his capacity as agent for and employee of Imperial Lofts at No. 2 Stadium Dr., Sugar Land, Texas, 77499, at 1200 Hwy 6, Sugar Land, Texas 77478, or where ever he may found, to appear at 1:30 p.m., on August 3, 2022, or instanter, if this matter is continued, at the County Court at Law No. 4, of Fort Bend County, Texas, 1422 Eugene Heimann Circle, Richmond, Texas 77469, to attend and give testimony at a hearing in this case on behalf of the Defendant, and to remain in attendance from day to day until lawfully discharged.

DUCES TECUM: The witness is directed to bring with him a complete and un-redacted copy of the following documents: his rental application with Imperial Lofts, as well as his lease with Imperial Lofts, and contract with Imperial Lofts.

Contempt. Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena is issued or a district court in the county in which the subpoena is served, and may be punished by fine or confinement, or both. Tex. R. Civ. P. 176.8(a).

DO NOT FAIL to return this writ to the County Court at Law No. 4, of Fort Bend County, Texas, with either the attached officer's return showing the manner of execution or the witness's signed memorandum showing that the witness accepted the subpoena.

ISSUED on July 6, 2022 By:

/S/ Brad Beers
BRAD BEERS
Texas Bar Number 02041400
5020 Montrose Blvd, Suite 700
Houston, Texas 77006
Phone: 713-654-0700
BBeers@BeersLaw.net

This subpoena was issued at the request of attorney Brad Beers on behalf of Michael J. Bitgood

RETURN OF SERVICE OF SUBPOENA

I, FREDERICK B. Cull, delivered a copy of this subpoena duces tecum to summon Bryce Spencer, in his capacity as agent for and employee of Imperial Lofts at No. 2 Stadium Dr., Sugar Land, Texas 77498, at 1200 STATE Hwy 6, SugarLAND, TX 77478, on the 6 day of JULY, 2022, at 3:55 o'clock P.m., and tendered to the witness a fee of \$11.00 in cash.

I, _____, was unable to deliver a copy of this subpoena duces tecum to _____ for the following reasons:

_____.

By: Fredrich B. Cull
Person who is not a party and is
18 years of age or older.

**ACCEPTANCE OF SERVICE OF SUBPOENA BY
WITNESS UNDER TEXAS RULE OF CIVIL PROCEDURE 176**

I accept service of this subpoena duces tecum and will appear as commanded.

Bryce Spencer
Signature of Witness

Bryce Spencer
Printed Name of Witness

7-6-2022
Date

FEE FOR SERVICE OF SUBPOENA: 80⁰⁰

EXHIBIT B

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 66953009

Status as of 8/4/2022 12:27 PM CST

Associated Case Party: Imperial Lofts

Name	BarNumber	Email	TimestampSubmitted	Status
Karina Martinez		ImperialAsst@nolanred.com	8/4/2022 6:52:39 AM	SENT
Marianna Sullivan		imperialgm@nolanRed.com	8/4/2022 6:52:39 AM	SENT
Brice BEALE		Beale@HooverSlovacek.com	8/4/2022 6:52:39 AM	SENT
Madam MariannaSullivan		M.Sullivan@nolanred.com	8/4/2022 6:52:39 AM	SENT

EXHIBIT B

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Envelope ID: 66953009

Status as of 8/4/2022 12:27 PM CST

Associated Case Party: Michael Bitgood

Name	BarNumber	Email	TimestampSubmitted	Status
Brad BBeers		BBeers@BeersLaw.net	8/4/2022 6:52:39 AM	SENT
Sherry Shewell		SShewell@BeersLaw.net	8/4/2022 6:52:39 AM	SENT
Michael Easton		EastProLaw@msn.com	8/4/2022 6:52:39 AM	SENT
Susan Norman		SueNorman@SueNormanLaw.com	8/4/2022 6:52:39 AM	SENT
John FHealey		JHealeyDA@aol.com	8/4/2022 6:52:39 AM	SENT
Richard PJones		DickeyJones365@Gmail.com	8/4/2022 6:52:39 AM	SENT

EXHIBIT B

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Envelope ID: 66953009

Status as of 8/4/2022 12:27 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Richard Jones		DickeyJones365@Gmail.com	8/4/2022 6:52:39 AM	SENT